
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

FRANK PARKER,

Plaintiff,

v.

KRISTIE BOURDON, et. al.,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING MOTION TO
RECUSE

Case No. 2:18-CV-688 TS-DBP

District Judge Ted Stewart

This matter is before the Court on Plaintiff's Motion to Recuse. Plaintiff asks that the Magistrate Judge recuse himself as a result of an alleged conflict of interest.

Plaintiff bring his Motion pursuant to 28 U.S.C. § 455(a). That provision states that "[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." "A judge has a continuing duty to recuse under § 455(a) if sufficient factual grounds exist to cause a reasonable, objective person, knowing all the relevant facts, to question the judge's impartiality."¹

Plaintiff has failed to provide the Court with facts demonstrating that the Magistrate Judge's impartiality may reasonably be questioned. Plaintiff merely alleges that recusal is required because the Magistrate Judge has a relationship with the Church of Jesus Christ of Latter Day Saints. However, "courts have consistently held that membership in a church does not create sufficient appearance of bias to require recusal."² It is therefore

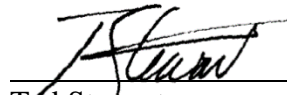
¹ *United States v. Pearson*, 203 F.3d 1243, 1277 (10th Cir. 2000).

² *Bryce v. Episcopal Church in the Diocese of Colo.*, 289 F.3d 648, 660 (10th Cir. 2002).

ORDERED that Plaintiff's Motion to Recuse (Docket No. 23) is DENIED.

DATED this 19th day of November, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

Ted Stewart
United States District Judge